

## **EXHIBIT B**

Terri Pechner-James

June 22 Deposition Excerpts – Failure to Speak Up

1. Page 1570:

11 Q. You're going to have to speak up,  
12 please, both because of the air conditioners  
13 that are running and so madam reporter can  
14 hear you and also so I can hear you.

15 A. Okay.

16 Q. Is that going to be a problem?

17 A. No.

18 Q. It might help if you take your  
19 hands down from your mouth, too. It's just a  
20 suggestion. Are you on any medication today?

2. Page 1571:

1 Q. All right. And how are you  
2 feeling?

3 A. Fine.

4 Q. I'm sorry?<sup>1</sup>

5 A. Fine.

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<sup>1</sup> Throughout the deposition, the cross-examiner would say "I'm sorry" when he could not hear an answer, or when the answer was so faint that he was not sure that he had heard it correctly. Moreover, the cross-examiner was concerned that if he had not heard the answer, or not heard it correctly, that the Court Reporter might also had experienced a similar difficulty.

3. Pages 1572 – 1573:

1 Q. Okay. I'm sorry. When I'm sitting  
2 here looking at someone that's kind of staring  
3 off into space, I'm getting a sense that I'm  
4 not really in any way connecting here with you  
5 and you're kind of off in la-la land. Am I  
6 mistaken?

7 A. You've said that at every  
8 deposition. Just ask your questions. You're  
9 wasting time.

10 Q. Ms. Pechner, let me explain  
11 something to you, and I want to make this very  
12 clear.

13 MR. DILDAY: Let me say this. If  
14 she looks at the ceiling, it doesn't matter,  
15 as long as she answers your questions, Walter.

16 MR. PORR: Okay. But I'm getting a  
17 sense from the witness that she is not here.  
18 I know her body is sitting across the table  
19 from me, but the responses are flat, they are  
20 monotone, she is staring off into space, her  
21 voice is low.

22 I've asked her to bring it up a

23 couple times given the circumstances. We

24 explained it before the deposition started. I

1 reiterated it after the deposition started. I

2 sense a vacancy in the stare. All right?

4. Page 1576:

16 Q. Okay. Is there a problem keeping

17 your voice up? I'm having a hard time hearing

18 you, and if I'm having a hard time, I know

19 madam reporter is having a hard time.

20 A. I don't remember.

21 Q. Can you keep your voice up for us,

22 please?

23 A. I'll try.

5. Page 1613:

1 Q. What did you like about it?

2 A. I don't know.

3 Q. I'm sorry?

4 A. Liked working my job, period, no

5 matter where it was.

6. Page 1617:

1 Q. Okay. So is it fair to say that  
2 the allegation in the first sentence of  
3 paragraph 30 is incorrect?

4 MR. DILDAY: Objection.

5 A. No.

6 Q. I'm sorry?

7 A. No.

7. Pages 1620 – 1623:

10 Q. Why not?

11 A. I don't know.

12 MR. PORR: Can you hear her, madam  
13 reporter?

14 THE REPORTER: Barely. I think she  
15 said, "I don't know."

16 A. I don't know.

17 Q. Ms. James, I'm sorry, I'm not  
18 trying to be difficult, but if madam reporter  
19 can't hear you, we are wasting our time. She  
20 has to be able to hear you.

21 MR. DILDAY: We're wasting our time

22 as you're going through this diatribe.

23 MR. PORR: What diatribe?

24 MR. DILDAY: That you just went  
1 through.

2 MR. PORR: And why do you call it a  
3 diatribe, Mr. Dilday?

4 MR. DILDAY: You raised your voice  
5 at my client for no reason whatsoever. She  
6 answered the question. She said, "I don't  
7 know" clearly and distinctly, and you heard  
8 it. Let's move on to the next question.

9 MR. PORR: No reason whatsoever,  
10 sir? I just asked madam reporter if she --

11 MR. DILDAY: Mr. Porr --

12 MR. PORR: Please don't interrupt  
13 me.

14 MR. DILDAY: Mr. Porr --

15 MR. PORR: Please don't interrupt  
16 me.

17 MR. DILDAY: Mr. Porr --

18 MR. PORR: Please do not interrupt  
19 me.

20 MR. DILDAY: Let me say this.

21 MR. PORR: Please do not interrupt  
22 me.

23 MR. DILDAY: You're wasting the  
24 time.

1 MR. PORR: Please do not interrupt  
2 me.

3 MR. DILDAY: You are wasting the  
4 time.

5 MR. PORR: Will you not interrupt,  
6 sir?

7 MR. DILDAY: You are wasting the  
8 time, sir.

9 MR. PORR: I just asked madam  
10 reporter a second ago if she could hear the  
11 witness, and she said "barely." All right?

12 Now, I started the deposition off  
13 advising everybody of the fact that we're in a  
14 room, we have air conditioners on, it's hard  
15 to hear, please speak up. She has been  
16 keeping her voice very sotto voce, very low.

17 I have asked her repeatedly to keep  
18 it up. I asked madam reporter explicitly  
19 because if she can't hear it, we can't get a

20 decent transcript. Okay?

21           So I am not trying to waste our  
22 time, but I'm trying to make the point she  
23 needs to keep her voice up. That is not an  
24 unreasonable request.

1           MR. DILDAY: And the reporter, when  
2 you asked the question, said "barely" and said  
3 what Ms. Pechner-James said.

4           MR. PORR: But we have --

5           MR. DILDAY: So once she said that,  
6 you pressed it. She said loudly "I don't  
7 know." And what I'm saying to you, Mr. Porr  
8 is, let's move on.

9           MR. PORR: And I'm glad to. But  
10 madam reporter shouldn't have to strain to  
11 hear the witness.

12          MR. DILDAY: I concur.

13          MR. PORR: Let's make her job  
14 easier.

15          MR. DILDAY: I concur. So let's  
16 move on.

17          MR. PORR: Okay. But I'm just  
18 asking the witness for some cooperation here.



19 MR. DILDAY: She is cooperating as

20 best she can. Let's move on.

21 MR. PORR: I disagree with your

22 characterization, Mr. Dilday.

23 MR. DILDAY: I don't give a damn.

24 MR. PORR: Well, that's fine, sir.

8. Page 1634:

20 Q. Why not?

21 A. I don't know.

22 Q. I'm sorry?

23 A. I don't know.

9. Page 1644:

7 Q. Okay. And did you take this

8 complaint to anybody else, since it was

9 falling on deaf ears, in the Revere Police

10 Department?

11 A. No.

12 Q. I'm sorry?

13 A. No.

10. Page 1646:

1 Q. Do you know the substance of the  
2 reasons that the mayor gave to Joe Rizutti as  
3 to why he should dismiss his MCAD complaint?

4 A. I don't remember.

5 Q. I'm sorry?

6 A. I don't remember.

11. Page 1651:

3 Q. So as far as you know, he may have  
4 been within his rights to have left 15 minutes  
5 earlier that day?

6 A. No.

7 Q. I'm sorry?

8 A. No.

12. Page 1652:

8 Q. Did you write this in your notes  
9 because you thought he didn't have permission  
10 to leave early?

11 A. I just wrote it in my notes.

12 Q. I'm sorry?

13 A. I just wrote it in my notes.

13. Page 1687:

1 Q. What harassment on the job are you  
2 specifically referring to in this November 23  
3 entry?

4 A. I don't know.

5 Q. I'm sorry?

6 A. I don't know.

14. Page 1690:

2 Q. Is Dr. Barry the first health care  
3 provider you saw for mental health issues as  
4 opposed to physical well-being?

5 A. Yes.

6 Q. I'm sorry?

7 A. Yes.

15. Pages 1692 –1693:

15 Q. Okay. Between December 7, when you  
16 first contacted Dr. Barry, and then your

17 appointment on the 13th and then your  
18 appointment on January 6th of 2000, had there  
19 been any further incidents of harassment  
20 involving Lieutenant Foster?

21 A. I'm sure. I don't remember.

22 Q. I'm sorry?

23 A. I don't remember.

24 Q. Did you say "I'm sure"?

1 A. Yeah. I'm sure. I don't remember.

2 I don't remember what occurred.

16. Page 1708:

7 Q. Okay. When you went to roll call,  
8 did you tell Lieutenant Santoro about what had  
9 happened out in the hallway with Captain  
10 Chaulk -- or, I'm sorry, in the radio room, I  
11 guess it was?

12 A. Well, sergeant -- I mean, if you  
13 look at my notes, Sergeant Goodwin and  
14 Sergeant Doherty were standing there. After  
15 roll call, I went over to Captain Chaulk and  
16 Chief Roy Colannino standing in the hall and  
17 asked why it's okay for the men to ride the

18 bikes --

19 THE REPORTER: I'm sorry. I can't  
20 hear you.

17. Pages 1717 – 1718:

23 Q. And why do you say it wouldn't get  
24 you anywhere?

1 A. I don't know.

2 Q. I'm sorry?

3 A. I don't know.

18. Page 1728:

10 Anything else that Lieutenant  
11 Foster allegedly had under his belt concerning  
12 acting chief Colannino?

13 A. Zayre's tent sale.

14 Q. I'm sorry?

15 A. The Zayre's tent sale.

19. Page 1729:

7 Q. Okay. And how do you know that?

8       A.   Just like the rest of the city  
9   knows. My father-in-law was on the job.  
10       MR. AKERSON: I'm sorry. I didn't  
11   hear the first part of it.  
12       MR. DILDAY: Just like the rest of  
13   the city knows.  
14       MR. AKERSON: Is that correct,  
15   Ms. James?  
16       THE WITNESS: Yes.